

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Request for Review of the)	
Decision of the)	
Universal Service Administrator by)	
)	
Baldwin Park Unified School District)	File No. SLD-316487
Baldwin Park, California)	
)	
Federal-State Joint Board on)	CC Docket No. 96-45
Universal Service)	
)	
Changes to the Board of Directors of the)	CC Docket No. 97-21
National Exchange Carrier Association, Inc.)	

ORDER

Adopted: July 30, 2003

Released: July 31, 2003

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. Baldwin Park Unified School District (Baldwin Park), Baldwin Park, California, seeks review of a March 29, 2002 decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).¹ On May 31, 2002, Baldwin Park appealed the decision to SLD, but SLD denied the appeal because Baldwin Park filed the appeal more than 60 days after the decision was rendered.² We affirm SLD's decision. For a review of decisions by SLD issued on or after August 13, 2001, appeals to SLD must be filed within 60 days of the issuance of the SLD decision date.³ Here, Baldwin Park filed its appeal to SLD after the 60-day period, in contravention of our rules. We therefore deny the Request for Review.

¹ Letter from Eddie Smith, Baldwin Park Unified School District, to Federal Communications Commission, filed July 12, 2002 (Request for Review). *See also* Postcard from the School and Libraries Division, Universal Service Administrative Company, to ranking Fenton, Baldwin Park Unified School District, dated March 29, 2002. Any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

² *See* Letter from Franklin Fenton, Baldwin Park Unified School District, to Schools and Libraries Division, Universal Service Administrative Company, filed May 31, 2002; Letter from Schools and Libraries Division, Universal Service Administrative Company, to Franklin Fenton, Baldwin Park Unified School District, dated June 3, 2002.

³ 47 C.F.R. § 54.720(b). *See Implementation of Interim Filing Procedures for Filings of Requests for Review, Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Order, 17 FCC Rcd 339 (Com. Car. Bur. rel. Dec. 26, 2001), as corrected by *Implementation of Interim Filing Procedures for Filings of Requests for Review, Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Errata (Com. Car. Bur. rel. Dec. 28, 2001 and Jan. 4, 2002).

2. To the extent that Baldwin Park additionally asks us to waive our rules in this instance, we also must deny its request.⁴ Baldwin Park states that its appeal was untimely as a result of delays in its investigation with Kinko's Copier and Fed Ex.⁵ Baldwin Park further states that it deserves relief because it had to do an exhaustive investigation that took five weeks before it could respond to SLD with the documents confirming that it had shipped the Block 6 Certification.⁶ Waiver is appropriate only if special circumstances warrant a deviation from the general rule, and such deviation would better serve the public interest than strict adherence to the general rule.⁷ Given the thousands of applications SLD processes each year, it is administratively necessary to place the burden of meeting deadlines on applicants.⁸ We conclude that Baldwin Park fails to present good cause as to why it could not timely file its appeal to SLD.

3. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Request for Review filed by Baldwin Park Unified School District, Baldwin Park, California, on July 12, 2002, and the request to waive the 60-day time limit in which to file an appeal ARE DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Mark G. Seifert
Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau

⁴ 47 C.F.R. § 54.720(b).

⁵ Request for Review at 1.

⁶ *Id.*

⁷ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

⁸ *See Request for Review by Anderson School Staatsburg, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association*, File No. SLD-133664, CC Docket Nos. 96-45 and 97-21, Order, 15 FCC Rcd 25610 (Comm. Car. Bur. rel. Nov. 24, 2000), para. 8 ("In light of the thousands of applications that SLD reviews and processes each funding year, it is administratively necessary to place on the applicant the responsibility of understanding all relevant program rules and procedures.").